



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

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| Procedure No.: MSP 3.4.3 | Subject: TOBACCO USE REGULATIONS |
| Reference: DOC Policy No. 3.4.3 | Page 1 of 2 |
| Effective Date: January 1, 1998 | Revision: (new effective date) July 13, 2009 |
| Signature / Title: /s/ Mike Mahoney / Warden | |

I. PURPOSE

To provide a tobacco free work and living environment for employees, visitors, and inmates in accordance with the Montana Clean Indoor Air Act.

II. DEFINITIONS

Smoke or Smoking - the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar, pipe, or smoking paraphernalia used for consuming the smoke of tobacco or any other burning product.

Staff - includes employees of the state of Montana and contracted staff.

Tobacco Substitutes - substances used in place of tobacco, such as mint and jerky chews and so forth.

Tobacco or Tobacco Products - any product containing tobacco, including, but not limited to, cigarettes, cigars, loose-leaf tobacco, snoose, snuff, etc.

Smoking Paraphernalia - includes items such as lighters, matches, altered batteries, cigarette papers, rolling machine, and other items that would facilitate one in smoking.

III. PROCEDURES

A. Posting

Department building and vehicles shall be conspicuously posted with signs prohibiting smoking.

B. Smoking Restrictions

1. Employees and Visitors

- a. All state employees and visitors will be required to cease smoking when entering prison property.
- b. All persons seeking employment within the Montana State Prison will be advised that Montana State Prison is smoke-free and tobacco-free.
- c. Use of tobacco or a tobacco substitute is prohibited on prison property.
- d. Tobacco products and paraphernalia may be kept in a staff member's personal vehicle or visitor's vehicle, but may not be used on prison property.
- e. Staff who live in state housing may use tobacco products while they are at home.
- f. Staff who violate the conditions of this operational procedure by using tobacco products on MSP/MCE property will be subject to progressive discipline.
- g. Any staff member who brings tobacco products into the institution will be subject to disciplinary action. If he/she is discovered to have given an inmate tobacco products or paraphernalia, the staff member will be subject to disciplinary action leading up to and including termination.

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- h. Visitors who bring tobacco products or paraphernalia into the Prison will be terminated from visiting.
 - i. The success of this operational procedure will depend upon the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing this operational procedure.
- 2. Inmates
 - a. Admissions staff will confiscate tobacco, tobacco substitutes, and smoking paraphernalia (cigarette papers, pipes, matches, lighters, etc.) from inmates during the intake process and dispose of it as contraband.
 - b. Inmates are prohibited from smoking and use of tobacco or tobacco substitutes. Staff will cite any inmate who violates this prohibition for a disciplinary rule infraction.
 - c. Tobacco products, tobacco substitutes, and smoking accessories are contraband. If staff find these items on an inmate, in his cell or work area/station, or in his belongings the items will be confiscated and disposed of, and the inmate will receive a disciplinary writeup.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden.

V. ATTACHMENTS (none)